

REMARKS

Applicant believes that the amendments to the claims as well as the comments that follow will convince the Examiner that the rejections provided in the April 21, 2011 Office Action have been overcome and should be withdrawn. Applicant has amended claims 1 and 12. Applicant submits that the changes are supported by the specification. No new matter has been added.

I. THE EXAMINER'S REJECTIONS

The Examiner rejected claims 1-5, and 7-10 under 35 U.S.C. § 103(a) as being unpatentable over Bushold, et al., U.S. Pat. Pub. No. 2004/0230481 (hereinafter "Bushold") in view of Block, et al., U.S. Pat. Pub. No. 2003/0055689 (hereinafter "Block"). The Examiner states:

As per claim 1, Bushold teaches a method comprising the steps of: interacting with a user via an automated system (¶ 0024); authenticating said user utilizing one or more forms of identification data provided by said user to said automated system (¶¶ 0024, 32); querying an awards database to determine whether an awards account is associated with said user, and to determine whether said user's awards account contains sufficient awards to entitle said user to access awards services (¶¶ 0024-25, 32); acquiring itinerary data from said user upon a positive determination of said query of said awards database (¶ 0036); querying an itinerary database with said itinerary data and receiving a plurality of itineraries (¶ 0036); providing to said user said plurality of itineraries (¶ 0036); allowing said user to select an initial itinerary from said plurality of itineraries (¶ 0036); querying said awards database and determining if said user's awards account contains sufficient awards for said initial itinerary (¶¶ 0029, 37); providing to said user an alternative itinerary for which said user's account contains sufficient awards (¶¶ 0036-37; Figs. 4-5); and allowing said user to select said alternative itinerary (¶ 0036-37; Figs. 4-5).

Bushold does not teach that the system used to interact with a user is an automated interactive voice response system; which is taught by Block (¶ 0010). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element

or function but in the very combination itself—that is, in the substitution of the automated interactive voice response system in Block for the automated systems used to interface with the user taught by Bushold. The systems share similar purposes and functions, and are both disclosed as processing the same types of user account and travel-related data. It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate an automated interactive voice response system because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results.

(Office Action dated April 21, 2011, pp. 4-5).

The Examiner also rejected claims 2-5 and 7-10 as being unpatentable over Bushold in view of Block. (Office Action dated April 21, 2011, pp. 5-6). Rejecting claim 12 in view of Bushold and Block, the Examiner stated:

As per claim 12, Bushold teaches a method comprising the steps of: interacting with a user via an automated system (¶ 0024); authenticating said user utilizing one or more forms of identification data provided by said user to said automated system (¶¶ 0024, 32); utilizing said identification data to access an awards account (¶¶ 0024, 32); querying an awards database to determine whether an awards account is associated with said user, and to determine whether said user's awards account contains sufficient awards to entitle said user to access awards services (¶¶ 0024-25, 32); acquiring itinerary data from said user upon a positive determination of said query of said awards database (¶ 0036); querying an itinerary database with said itinerary data (¶ 0036); providing to said user one or more itineraries (¶ 0036); prompting said user to select an initial itinerary from said plurality of itineraries (¶ 0036); querying an awards database to determine if said user's awards account contains sufficient awards for said itinerary (¶ 0029, 37); providing to said user an alternative itinerary for which said user's account contains sufficient awards (¶¶ 0036-37; Figs. 4-5); and allowing said user to select said alternative itinerary (¶¶ 0036-37; Figs. 4-5); prompting said user to ticket or hold said selected itinerary (¶¶ 0026, 37).

Bushold does not teach prompting said second user to enter baggage data; acquiring baggage data from said second user; and querying a baggage database with said baggage data for information in said baggage database; which are taught by Block. (¶¶ 0289-92). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to incorporate this feature because it is merely a combination of old elements in the art of travel services. In the combination, no element would serve a

purpose other than it already did independently, and one skilled in the art would have recognized that the combination could have been implemented through routine engineering producing predictable results. Bushold also does not teach that the system used to interact with a user is an automated interactive voice response system; which is taught by Block (§ 0010). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is, in the substitution of the automated interactive voice response system in Block for the automated systems used to interface with the user taught by Bushold. The systems share similar purposes and functions, and are both disclosed as processing the same types of user account and travel-related data. It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate an automated interactive voice response system because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results.

(Office Action dated April 21, 2011, pp. 6-7).

The Examiner rejected claims 12-16 and 18-21 as being unpatentable over Bushold and Block as applied against claims 2-5 and 7-10. (Office Action dated April 21, 2011, p. 7).

The Examiner also rejected claims 6 and 17 as being unpatentable over Bushold in view of Block and further in view of Trader, et al., U.S. Patent No. 5,854,837 (hereinafter “Trader”). (Office Action dated April 21, 2011, pp. 7-8). Finally, the Examiner rejected claims 11 and 22 as being unpatentable over Bushold in view of Block and further in view of Lambert, et al., U.S. Pat. No. 6,282,649 (hereinafter “Lambert”). (Office Action dated April 21, 2011, p. 8).

II. THE EXAMINER’S REJECTIONS SHOULD BE WITHDRAWN

The Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over Bushold in view of Block. Applicant respectfully disagrees and submits that the cited references do not teach or suggest all of the claim elements of the present invention.

Specifically, Applicant submits that the Bushold and Block references, individually or in combination, fail to disclose or suggest all of the limitations of claim 1.

Applicant's invention, as disclosed in the specification of the present invention, is a novel system and method that allows a user to access an awards account, provide itinerary data, receive a plurality of itineraries, select an itinerary and book the itinerary using an awards account and/or payment. The invention further allows a user to provide baggage data to query a database for stored baggage information. These limitations are not taught anywhere in Bushold and Block.

Bushold describes a system that allows a participant to use awards points to make a purchase from a vendor system that accepts currency. (Bushold, Abstract). In the Bushold system, a person participates in an awards program and accrues awarded points in an awards account. (Bushold, ¶ 0005). Using the Bushold system, the participant may use the rewards points to make a purchase from a vendor that otherwise only accepts currency. (Bushold, ¶ 0005). The Bushold system includes an application programming interface (API) that interfaces with the vendor's system, and a graphical user interface (GUI) that interacts with the participant. (Bushold, ¶ 0005).

Bushold discloses that, in the case of an airline reservation system, the airline's system has no connection to the loyalty program, and deals only in currency (e.g., credit card transactions). (Bushold, ¶ 0025). Because the airline system does not accept the participant's awards points, the Bushold system uses a "program account such as a cash account or a shadow credit card." (Bushold, ¶ 0025). To complete the transaction, the API purchases the airline ticket from the airline system using the shadow credit card.

(Bushold, ¶ 0026). Once the purchase is complete, the loyalty program then deducts the appropriate number of rewards points from the participant's account. (Bushold, ¶ 0026).

Bushold Does Not Disclose The Features Of Applicant's Invention

Applicant's invention is distinct from the system and method disclosed by Bushold. Specifically, Bushold discloses an independent system designed to interface with both a participant and a vendor's reservations system. (Bushold, ¶ 0025). This approach requires the use of a shadow credit card to make a purchase. (Bushold, ¶ 0025). Although the participant is unaware, the Bushold system is effectively completing a traditional credit card purchase from the airline's reservations system. The Bushold system then deducts points from the participant's rewards account.

In contrast, Applicant's invention improves a vendor's reservations system. The user interacts directly with the vendor's reservations system and does not require an intermediate third party system. Applicant's invention allows the vendor's reservations system to hold or ticket an itinerary for the user without a payment transaction. Specifically, the vendor's reservations system may ticket an itinerary and deduct the appropriate awards from the customer's awards account. No third party intermediary is necessary. Further, because the vendor's reservations system handles the entire transaction, no currency payment is needed. As a result, no shadow credit card purchase is needed. The itinerary is ticketed directly in exchange for a reduction in the user's awards account. Applicant's invention is distinct from Bushold's disclosure by providing a streamlined process to book an itinerary using rewards points that does not require a intermediate party or a shadow currency transaction.

The Combination of Block and Bushold Does Not Render
Applicant's Invention Obvious

Block discloses an “Internet accessed air travel management system” that includes a “web-based planning and reservation interface system and an interactive access device.” (Abstract). Customers receive “access to the main website of the system” along with “access to numerous other websites for facilitating whatever travel arrangements the member wishes to make.” (¶0010). A member may “log onto the system website” via personal computer, mobile telephone, or other communications device. (¶0010). Figures 1 and 2 of Block depict an Internet-based implementation. Block explains that “a computer 2 connected to a monitor 4, program memory 6, and input device 10, are necessary for providing the website of the present system. The computer 2 is connected to the Internet 12 for permitting members or system users access to the main website of the system.” (¶0048). Block requires that a user enroll in the system by entering several categories of information, after which the user is presented a home page. (¶0050-51). Block therefore discloses a web-based system accessed via a website.

Block states that a member is allowed to “use interactive voice response (IVR) systems to call in and book a reservation by voice or keypad.” (¶0010). However, this disclosure is not operable or enabling. Block fails to disclose sufficient detail to enable a person of ordinary skill in the art to carry out the claimed invention. See MPEP 2121. No substantive disclosure is included to support automated interactive voice response (IVR) functionality. For example, Block states “[t]he OneTouch includes a transceiver such as an integrated phone for communicating with the central server through a wireless communications network, such as a cell phone network.” (¶0194). Block's disclosure is inadequate because it fails to sufficiently describe how the phone would connect and

interact with a plurality of users via an interactive voice response system. Therefore, Block merely discloses a website-based system without automated interactive telephone functionality.

A combination of the Bushold and Block references by one of ordinary skill in the art would result in a software program for use over the Internet. Bushold discloses a GUI and an API. (Bushold, Abstract). Further, the GUI and API “may be integrated into a single software package of instructions....” (Bushold, ¶ 0028). One of ordinary skill would not understand the Block reference to suggest an automated interactive voice response implementation of the Bushold system. Rather, Block would enforce the suggestion in Bushold of a computer software application. Further, the Block disclosure is insufficient to enable one of ordinary skill to create an automated interactive voice response system offering the services of the Bushold system. Applicant respectfully submits that a combination of Bushold and Block would not result in a system comprising all of the features of Applicant’s claimed invention.

Bushold and Block therefore do not disclose Applicant’s present principles of allowing a user to access an awards account, provide itinerary data, receive a plurality of itineraries, select an itinerary, and book the itinerary using an awards account and/or payment. Specifically, one of ordinary skill in the art viewing Bushold and Block would not reach the Applicant’s invention. The incorporation of Block into the Bushold system would not result in an automated interactive voice response system for allowing a user to access an awards account, provide itinerary data, receive a plurality of itineraries, select an itinerary, and book the itinerary using an awards account and/or payment. Neither

reference discloses or suggests the use of an automated interactive voice response system offering the features of Applicant's invention.

Applicant submits that the Bushold and Block references, individually or in combination, fail to disclose or suggest all of the limitations of amended claim 1. The Examiner is respectfully requested to withdraw the 35 U.S.C. §103(a) rejection of independent claim 1.

Further, as claims 2-11 depend either directly or indirectly from independent claim 1, they contain all of the elements and limitations of the claim from which they depend. Claims 2-11 are therefore patentable over Bushold and Block for at least the same reasons as independent claim 1. Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. §103(a) rejection of claims 2-11.

To the extent the Examiner rejected claims 12-22 as being unpatentable over the combinations of Bushold and Block as applied against claims 1-11, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. §103(a) rejection of claims 12-22 for the same reasons as discussed above with respect to claims 1-11.

Applicant respectfully submits that Bushold and Block do not individually or in combination disclose, teach or suggest the limitations required by independent claims 1 and 12. Applicant's invention as defined by independent claims 1 and 12 is not obviated by the references and is therefore in condition for allowance. Hence, the Examiner is respectfully requested to withdraw the rejections.

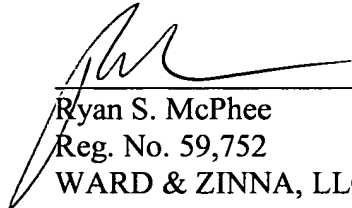
III. CONCLUSION

Applicant submits that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. Early and favorable action is accordingly solicited.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

Respectfully submitted,

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